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6 KFD ENTERPRISES, INC.,

No. C 08-4571 MMC

7 Plaintiff,

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11 **ORDER VACATING JUNE 15, 2012
HEARING**

12 v.

13 CITY OF EUREKA,

14 Defendant.

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16 /

17 And Related Counterclaims, Cross-claims,
18 and Third-Party Claims.
19 /

20 Before the Court is defendant City of Eureka's ("City") motion, filed May 10, 2012, for
21 leave to file a Fifth Amended Counter-Claim and Cross-Claim, by which the City seeks to
22 add a claim under the Resource Conservation and Recovery Act. Plaintiffs KFD
23 Enterprises, Inc. and Kenneth Daer have jointly filed opposition thereto, to which the City
24 has replied. Having read and considered the papers filed in support of and in opposition to
the motion, the Court deems the matter appropriate for decision on the parties' written
submissions, and hereby VACATES the hearing scheduled for June 15, 2012.

25 **IT IS SO ORDERED.**

26 Dated: June 13, 2012

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MAXINE M. CHESNEY
United States District Judge